



CITY OF KIRKLAND
PLANNING AND BUILDING DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033 425.587.3225
www.kirklandwa.gov

MEMORANDUM

Date: October 5, 2015

To: Kurt Triplett, City Manager

From: Dorian Collins, Senior Planner, AICP
Paul Stewart, Deputy Director, AICP
Eric Shields, Director, AICP

Subject: Study Session: Planning Commission Transmittal Memo
Recommending Totem Lake and Walen Citizen Amendment Requests
and related Comprehensive Plan, Zoning Code and Zoning Map
Amendments (2013-2015 Comprehensive Plan Update, File CAM13-
00465, #9)

I. RECOMMENDATION

Staff recommends that the City Council review and provide direction on the Planning Commission's recommendations on the following Citizen Amendment Requests (CAR's) and related Comprehensive Plan, Zoning Code and Zoning Map Amendments (see Attachment 1):

- Evergreen Health (Totem Lake Business District)
- Rairdon (Totem Lake Business District)
- Astronics (Totem Lake Business District)
- Morris (Totem Lake Business District)
- Totem Commercial Center (Totem Lake Business District)
- Walen (North Rose Hill Neighborhood)

II. BACKGROUND DISCUSSION

The Planning Commission held the following hearings and deliberations on the Totem Lake and Walen (North Rose Hill) Citizen Amendment Requests and related amendments to Comprehensive Plan, Zoning Map amendments and code amendments:

- [July 23, 2015](#): hearing and deliberation on the Walen CAR
- [August 13, 2015 \(Part 1\)](#) and [August 13, 2015 \(Part 2\)](#): hearings and deliberations on the Totem Lake CARs (Evergreen Health, Rairdon, Astronics, Morris and Totem Commercial Center)
- [September 10, 2015](#), continuation of hearing on the Totem Commercial Center

- [September 24, 2015](#) continuation of hearing and deliberation on the Totem Commercial Center

Open houses were held before each hearing.

The Planning Commission had a follow-up meeting on September 10th to take final action on its Comprehensive Plan Update recommendations, including the Citizen Amendment Requests. The Planning Commission took action on all of the CARs at that time, with the exception of the Totem Commercial Center CAR. The hearing on the Totem Commercial Center was continued from August 13, 2015 to September 10th to allow for additional discussion on the topic of building height increases, and then again to September 24th, when the Commission deliberated and settled on the recommendation for building height (the discussion on the Totem Commercial Center request begins on page 10 of Attachment 1). The Commission's recommendation includes a desire to consider design guidelines to address bulk, mass and building orientation along the Cross Kirkland Corridor.

Attachment 1 contains the **transmittal memo from the Planning Commission** with a recommendation for each CAR. Attached to the transmittal memo are 22 exhibits, including land use and zoning map changes, Zoning Code and Comprehensive Plan policy changes, and a comment log that summarizes the written public comments. The transmittal memo from Planning Commission includes information about the public outreach process for the citizen amendment requests.

Paper copies of all written comments are available in a binder located in the Council Study Room. Councilmembers may contact Dorian Collins at dcollins@kirklandwa.gov if they would like their own binder with the comments.

Attachment:

1. Transmittal Memo from the Planning Commission to the City Council on the recommendation for the Totem Lake and Walen Citizen Amendment Requests along with 22 exhibits.



CITY OF KIRKLAND
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MEMORANDUM

Date: September 24, 2015

To: Kirkland City Council

From: Eric Laliberte, Chair, Kirkland Planning Commission

RE: **RECOMMENDATION ON TOTEM LAKE AND WALEN CITIZEN AMENDMENT REQUESTS, 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #5**

I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments for the following Citizen Amendment Requests (CAR's) that are being considered as part of the 2013-2015 update to the Comprehensive Plan. A summary recommendation for each is provided below. The detailed recommendation for each CAR is provided in Sections A and B below.

This recommendation reflects over a year of work with an extensive public outreach process with citizens, neighborhood associations and the business community who contributed to this process to consider the CARs. The Planning Commission carefully considered and deliberated all of the information and issues.

Recommendation Summary:

- **Evergreen Health:** Approve a change to the land use and zoning for one parcel from High Density Residential (TL 1B) to Institutional (TL 3D). If affirmed, the Zoning Map, Totem Lake Business District Land Use Map and citywide Land Use Maps would be revised to designate the property for Institutional use. The recommendation is reflected in Exhibits 1 and 2 to this memorandum.
- **Rairdon:** Approve a change to expand the permitted uses within the TL 9A and TL 9B zones to allow one new commercial use, "A retail establishment providing vehicle or boat sales, repair, services, storage or washing". If affirmed, the Zoning Code would be amended to allow the use with the following conditions: the use would be allowed in TL 9B only if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126th Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts, such as the requirement for an expanded buffer (greater than 100 feet) from the parcel's north property line, specific direction for mitigation plans, and restrictions on lighting

and outdoor loudspeaker systems, would be included. The recommendation is reflected in Exhibits 3 through 6 to this memorandum.

- **Astronics:** Approve a change to increase the maximum building height to 65' for the Astronics property, with provisions to allow for an additional 10 feet for rooftop appurtenances, and include new language in policies and regulations to address environmental conditions. The recommendation is reflected in Exhibits 7 and 8.
- **Morris:** Approve a change to rezone the Morris property from TL 7 to RMA 3.6, with the standard height limit in the RMA zone (35'). Add multifamily as a permitted use within the TL 7 zone for the two parcels at the western edge of the study area, on 132nd Avenue NE. Policies and regulations would be added to address potential conflicts with industrial uses. The recommendation is reflected in Exhibits 9-13.
- **Totem Commercial Center:** Approve a change to allow residential use in mixed use development west of 128th Lane NE, with minimum standards for ground floor commercial use. Standards would include an increase in maximum building height from 45 feet to 80 feet for all uses, and minimum aggregation requirements for mixed-use development. The recommendation is reflected in Exhibits 14-16.
- **Walen:** Approve a change to allow vehicle sales and storage within the NRH 5 zone. Rezone the westerly 200' of the Ridgewood Village condominium property surrounding the Walen property to NRH 5. Provide additional conditions to address impacts from outdoor storage, exterior lighting and outdoor speakers. The recommendation is reflected in Exhibits 17-20.

A. Totem Lake Citizen Amendment Requests

1. Evergreen Health CAR

- a. Request: Rezone the parcel from TL 1B to TL 3D to have identical standards to those in place for the campus property located directly to the east.

The staff report for the March 12, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#).

- b. Recommendation: The Commission recommends rezoning the parcel to TL 3D (Institutional). This change would allow the site to be added to the defined boundaries of the Evergreen Healthcare campus, and included in the campus Master Plan.



- c. Discussion: The Planning Commission considered two zoning options for this request; 1) keep existing TL 1B zoning and 2) rezone the parcel to TL 3D. The Planning Commission and staff studied the implications of the options and concluded that the rezone from multifamily to institutional use should be supported. A link to the August 13 public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

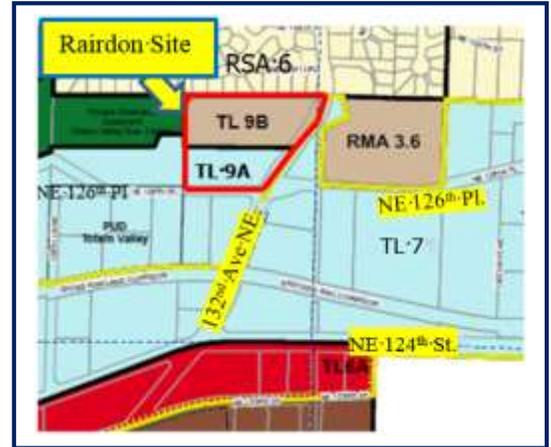
Evergreen Health has acquired the medical office building located on the subject property, and the rezone would enable this space to be included in comprehensive planning for the Medical Center campus. The Commission concluded that this change would allow for more comprehensive planning for the applicant, and a better sense of future uses and impacts for the City when addressing traffic impacts, and in understanding future growth in the Urban Center. The rezone would implement goals and policies of the Totem Lake Neighborhood Plan for the Evergreen Hospital Medical Center, and is consistent with other provisions of the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

If the recommendation is affirmed, the following amendments would be necessary:

- a. ***Zoning Map*** would be revised to show the rezone for the parcel from TL 1B to TL 3D (see Exhibit 1).
- b. ***Land Use Maps*** (Totem Lake Business District Land Use Map, Citywide Land Use Map) would be revised to designate the property for Institutional use (see Exhibit 2).

2. Rairdon CAR

- a. Request: Rezone the northern parcel in the study area from TL 9B to TL 7, and the southern parcel in the study area from TL 9A to TL 7. The rezones would allow commercial use on the northern parcel, and a broader range of commercial uses on the southern parcel. The property owner has indicated that he is interested in using the site for a vehicle business, which may include sales, service, storage, etc.



The request was originally submitted as two applications for the two parcels under common ownership. The Planning Commission recommended, and the City Council later agreed, that the two requests should be consolidated into one to enable more comprehensive review of the issues and approaches to be considered for the larger ownership.

The staff report for the April 16, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options, environmental and neighborhood compatibility issues related to this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Rairdon CAR begins on page 9).

- b. Recommendation: The Commission does not support rezoning the parcels to TL 7, but rather supports expanding the permitted uses within the existing zones to allow one new commercial use: "A retail establishment providing vehicle or boat sales, repair, services, storage or washing". The use would be allowed with the following conditions: The use would be allowed in TL 9B only if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126th Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts, such as the requirement for an expanded buffer (greater than 100 feet) from the parcel's north property line, specific direction for mitigation plans, and restrictions on lighting and outdoor loudspeaker systems, would be included.
- c. Discussion: The Planning Commission considered three options for this request; 1) no action, 2) retain existing zoning but add vehicle sales to permitted uses in TL 9A in this location, and allow vehicle sales (and related uses) in TL 9B if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126th Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts would be included and 3) expand the permitted uses within the TL 9A zone only to add vehicle sales in this location.

A link to the August 13th public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

The Planning Commission and staff carefully considered the environmental conditions present in the study area. A discussion regarding the studies of wetlands and streams performed for the north parcel is provided with the [April 16th Materials](#), beginning on page 67. The analysis included in the April 16 packet also discusses the High Landslide Hazard Area designation for the property, and related conditions and requirements for additional geotechnical studies and recommendations.

The Commission also considered the concerns of the neighbors north of the property, and wanted to ensure that the extensive policy direction for the north parcel that exists in the Comprehensive Plan be retained and also implemented through development standards. The conditions included with the Commission's recommendation incorporate these conditions as well as additional standards that will provide a greater buffer between future development and the neighbors to the north, as well as assurance that vehicle access to the site for any commercial development will be limited to the southern end of the study area (NE 126th Place). Neighbors will be provided with an opportunity to be involved in the review process for proposed development, since a Planned Unit Development (Process IIB) permit will be required for commercial use of the northern parcel.

With the additional conditions to be placed on future development, and the restriction that commercial development of the northern parcel be allowed only when coordinated and consolidated with development of the southern parcel, the Commission concluded that this option provides a cautious approach to allowing greater use of the subject property, while providing an avenue through which a developer could propose modifications to critical areas regulations.

The addition of the new retail use allowing vehicle sales, service, storage, etc. would implement goals and policies of the Totem Lake Neighborhood Plan provided that there are the appropriate environmental analyses and benefits. If environmental standards are met, it would also be consistent with other provisions of the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services and transportation choices.

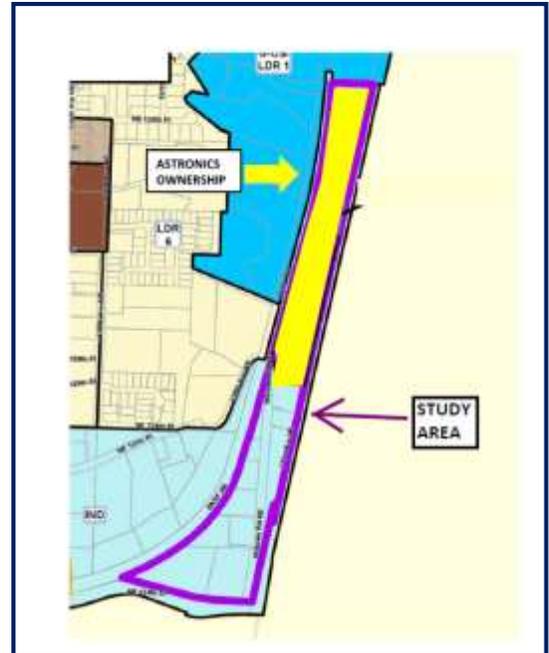
If the recommendation is affirmed, the following amendments would be necessary:

- a. ***Zoning Map*** would be revised to show the change in land use designation from medium density residential to commercial for the northern parcel (see Exhibit 3).
- b. ***Land Use Maps*** (Totem Lake Business District Land Use Map, Citywide Land Use Map) would be revised to designate the property for Commercial use (see Exhibit 4).
- c. ***Comprehensive Plan***: New language would be added to the Totem Lake Business District Plan for the Totem Lake Business District to ensure that impacts to critical areas are addressed (see Exhibit 5).

- d. **Zoning Code:** Development standards for the TL 9A and TL 9B zones would be revised to include Vehicle Sales among the permitted uses, and to include new standards to address environmental conditions and impacts of commercial uses on neighboring residential uses (see Exhibit 6).

3. Astronics CAR

- a. **Request:** The request is for additional building height to be allowed on the property. The current height limit is 45', and the applicant requests a height limit of 75'. The application states that Astronics is interested in building a 130,000 square foot building with associated parking. Since the time of the submittal of the CAR application, Astronics has provided additional information about future development plans. Revised information indicates the proposed building would contain 133,800 square feet, and could be built to a maximum height of 65', with an additional 10 feet in height needed for rooftop appurtenances.



As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone east of the Eastside Rail Corridor.

The staff report for the April 16, 2015 Planning Commission study session provides a detailed analysis of the options considered for this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Astronics CAR begins on page 18).

- b. **Recommendation:** The Planning Commission recommends that the maximum building height be increased to 65' for the area including the Astronics property only, with provisions to allow for an additional 10 feet for rooftop appurtenances, and that new language in policies and regulations be provided to address environmental conditions.
- c. **Discussion:** The Commission considered two options for this request; 1) no action, and 2) allow an increase in height to 65' for the Astronics property. Provide for additional height up to 75' to accommodate rooftop appurtenances. Establish a maximum Floor Area Ratio (FAR) of .5 for structures over 45'. Provide Comprehensive Plan language to address environmental conditions.

A link to the August 13th public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

The Commission considered a variety of factors in the study of the Astronics request. First, the Astronics Company provides many jobs for Kirkland, and will continue to provide more in the future, so efforts to retain this business are important. Without an increase in height, Astronics would not be able to expand as planned. However, the Astronics Study Area is located outside of the Totem Lake Urban Center, in an area designated for industrial use. The area is not served by transit, and employment growth in this area would be away from the core of the business district where greater development intensity is planned and better transit opportunities exist.

Second, the Astronics property is located at a considerably lower elevation than properties to the west. Additional height would not result in visual impacts to other properties. A height limit of 65' would be consistent with the height limits allowed elsewhere in many Totem Lake zones.

Third, environmental conditions including wetlands and streams exist on the property under Astronics' ownership that may affect future development.

The Commission concluded that additional growth should be limited within the study area to the Astronics property, and controlled by a maximum FAR of .5. This approach would allow for the flexibility desired by the applicant, while limiting capacity in the area for future growth away from the core of the Urban Center. Additional height to 65' (and 75' for rooftop appurtenances) on the Astronics property would not result in visual impacts to other properties. Allowing additional height for rooftop appurtenances within the development standards would provide assurance to Astronics that preliminary plans they have presented to staff which indicate a need for the elevator shaft to exceed 65' in one area would be acceptable. As with the recommendations for the Rairdon property, this option provides a cautious approach to allowing greater use of the subject property, while providing an avenue through which a developer could propose modifications to critical areas regulations.

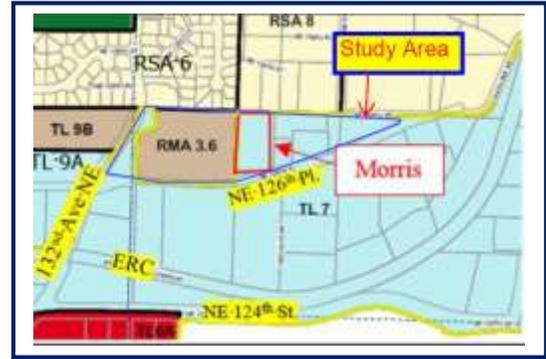
The height increase is consistent with goals and policies of the Totem Lake Neighborhood Plan that support the role of the area as a community and regional center for employment and economic activity. The increase is also consistent with other established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

If the recommendation is affirmed, the following amendments would be necessary:

- a. ***Comprehensive Plan:*** Additional language would be added to the Totem Lake Business District Plan for the Totem Lake Business District to ensure that impacts to critical areas are addressed (see Exhibit 7).
- b. ***Zoning Code:*** Development standards for the TL 7 zone would be revised to increase the maximum building height for Office and High Tech uses within the area where Astronics is located, and to include new standards to address environmental conditions (see Exhibit 8).

4. Morris CAR

- a. Request: Rezone from TL 7 to RMA 3.6 or higher to allow residential use. The applicants also ask that an increase in height to 40' be allowed on the site due to its topography.



As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone on the north side of NE 126th Place.

The staff report for the April 16, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options, environmental and neighborhood compatibility issues related to this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Morris CAR begins on page 2).

- b. Recommendation: The Commission recommends rezoning only the Morris property from TL 7 to RMA 3.6, with the standard height limit in the RMA zone (35'), and retaining the existing TL 7 zoning for the remainder of study area. Multifamily use would also be added as a permitted use within TL 7 zone for the two parcels at the western edge of the study area, on 132nd Avenue NE. Policies and regulations would be added to address potential conflicts with industrial uses.
- c. Discussion: The Planning Commission considered two options for this request; 1) no action and 2) rezone the Subject Property only to RMA 3.6 with standard height limit (35'), retain existing zoning for remainder of study area, but allow multifamily as a permitted use within TL 7 zone on parcels abutting 132nd Avenue NE. Within the second option, the Commission considered variations which would have continued to allow all currently permitted non-residential uses on the Morris property, and would have established the maximum building height at 40' for multifamily use on the property.

A link to the August 13th public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

Key issues the Commission considered in studying this request included the environmental conditions present on the Morris property, which include steep slopes and possible wetlands, and the potential for conflicts between residential and industrial uses within the study area. The study area is zoned and planned for light industrial/commercial use, but includes one parcel, directly west of the Morris property, that was rezoned for multifamily use (RMA 3.6) just before the area was annexed from King County in 2011.

The grade of the Morris property rises from 170' at its southern boundary to 240' along the north property line. Multifamily use of the Morris property may have a greater potential to be developed in a manner which could follow the existing topography and avoid sensitive areas. Housing may also be a better transition

along 132nd Avenue NE between the industrial uses to the south and the low density residential uses to the north.

In this study area, as in other industrial areas the Commission studied as part of the update of the Totem Lake Neighborhood Plan, the issue of potential conflicts between residential and industrial development exists. Occasionally, residents in areas where these uses coexist or occur within close proximity object to typical impacts associated with light industrial uses, such as truck traffic, noise and odors.

The Commission concluded that multifamily residential use of the Morris property is appropriate, due to the environmental conditions on the site, and the adjacency of multifamily-zoned property to the west. The Commission did not support the extension of residential use to properties to the east and south within the study area. Since the increased height included in the request would not be consistent with the RMA 3.6 zoning on the property adjacent to the Morris property on the west, and could result in greater impacts to the low density residential neighbors on the north, we did not support a height limit of 40' rather than the standard 35' for the Morris property.

The Commission also agreed to allow multifamily residential use as an option for the two properties west of the existing RMA 3.6 zone abutting 132nd Avenue NE. The owner of one of the properties contacted staff to discuss his plans to develop with light industrial use.

Since the Commission's recommendation would limit residential use to the western portion of the study area, residents would have close access to 132nd Avenue NE limiting the need to travel extensively through the industrial area. In addition, substantial buffering would be required on the property from adjacent industrial sites. The Zoning Code would also include a regulation that provides notice to developers and residents of potential impacts from existing and future light industrial uses in the area.

The change to permitted uses in this area would implement goals and policies of the Totem Lake Neighborhood Plan that support expanding housing opportunities. The rezone is also consistent with the public welfare and is in the best interests of the community because it is consistent with established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

If the recommendation is affirmed, the following amendments would be necessary:

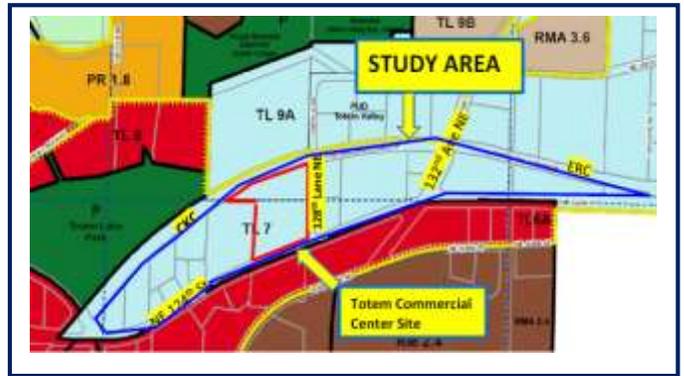
- a. ***Zoning Map:*** The Zoning Map would be revised to rezone the Morris property from TL 7 to RMA 3.6 (see Exhibit 9).
- b. ***Land Use Maps:*** The Land Use Map in the Totem Lake Business District Plan and the citywide Land Use Map would be revised to indicate a change of use from Industrial to Medium Density Residential (see Exhibit 10).
- c. ***Comprehensive Plan:*** New language would be provided to describe the environmental conditions on the property, and to provide guidance for limiting conflicts between industrial and residential uses (see Exhibit 11).

d. **Zoning Code:**

- Development standards for the TL 7 zone would be revised to allow for multifamily residential use on properties to the west of land zoned RMA 3.6, north of NE 126th Place (see Exhibit 12).
- Development standards for the RMA 3.6 zone would be revised to include regulations to address potential conflicts with industrial uses, including the requirement that additional buffering be provided adjacent to industrially-zoned land and to provide notice to developers and future residents about potential conflicts from light industrial types of uses (see Exhibit 13).

5. **Totem Commercial Center CAR**

- a. **Request:** The request is for increased building heights and an expanded range of uses in the TL 7 zone. In his application, Mr. Woosley asks for an increase to 80 feet, “and perhaps as tall as those allowed in the zoning districts at or near Evergreen Healthcare.” (Maximum height limits for the hospital campus and mixed use area to the east are 150-160’). The application requests that permitted uses be expanded to include residential use, and that all existing permitted uses continue to be allowed.



As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone on the north side of NE 124th Street, south of the Cross Kirkland Corridor.

The staff report for the March 12, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#) (discussion of the Totem Commercial Center CAR begins on page 6).

- b. **Recommendation:** For the portion of the study area located west of 128th Lane NE only, the Commission recommends allowing residential use in mixed use development with minimum standards for ground floor commercial use. Maximum building height would be increased from 45 feet to 80 feet for all uses, and minimum aggregation requirements for mixed-use development would be included. The Commission does not recommend limiting the future development of industrial uses currently permitted.
- c. **Discussion:** The Planning Commission considered four options for this request:
- 1) No action,
 - 2) West of 128th Lane NE only:
 - Allow residential in mixed use development with a minimum lot size of 1.5 acres;

- Increase height to 65' for mixed use containing residential;
 - Restrict industrial uses west of 128th Lane NE to existing structures, and provide limitations on expansion and improvement;
 - Require development containing residential use to be designed to prevent conflicts with light industrial uses (traffic, noise and use impacts);
 - Require development to address pedestrian connections to the CKC;
 - Require affordability in residential development;
- 3) West of 128th Lane NE only:
- Allow free-standing multifamily residential and mixed use with a minimum lot size of 1.5 acres;
 - Increase height to 65' for residential, mixed use and office;
 - Same standards noted above for limits on industrial use, design to prevent conflicts with industrial use, and affordability;
- 4) West of 128th Lane NE only:
- Allow free-standing multifamily residential and mixed use with a minimum lot size of 1.5 acres;
 - Increase height to 80' for residential, mixed use and office;
 - Same standards noted above only for design to prevent conflicts with industrial use and affordability.

A link to the August 13 public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

In studying this request, the Planning Commission studied a variety of issues. In particular, the Commission considered the findings of the [Heartland Industrial Lands Study](#) in evaluating the future role of this area in its contribution to the city's industrial lands, as compared to its location within the Totem Lake Urban Center. West of 128th Lane NE, land within the study area is included in the area designated to accommodate much of the city's employment and housing growth. (Please note that in the update of the Totem Lake Business District Plan, the boundaries of the Totem Lake Urban Center are recommended to be revised with the easternmost boundary at 128th Lane NE. This change incorporates the direction of Zoning Code changes adopted in 2012, which allowed for a wider variety of commercial uses along NE 124th Street within the TL 7 zone).

The Commission considered whether residential use would be appropriate in this area which is currently developed in predominantly light industrial and retail use. The proximity of Totem Lake Park and the Cross Kirkland Corridor were also elements to be considered in evaluating a change in land use.

The Commission concluded that residential development would be appropriate in this area, under certain conditions that ensure that a sufficient parcel of land would be included in redevelopment to enable site design that would support amenities oriented to the use and allow for ground floor commercial to both buffer the residential use from existing light industrial uses and contribute to the mixed use community. Additional buffering standards would be important to minimize conflicts between residential and industrial uses.

The Commission studied the issue of building height, and determined that a maximum building height of 80' would be consistent with surrounding zoning, and provide sufficient capacity at this location some distance from the core of the business district.

The addition of residential use in mixed use development and increased building height in the portion of the study area west of 128th Lane NE would implement the goals and policies of the Totem Lake Neighborhood Plan that support the preservation and intensification of commercial areas outside of Totem Center (the Business District Core), as well as the support for expansion of housing opportunities in the neighborhood. These changes are also consistent with established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

- d. Public Hearing: On August 13th, the Planning Commission held a public hearing on the request. The Commission did not develop a recommendation and continued the hearing for public comments, deliberation and development of a recommendation to City Council to September 10, 2015. At the meeting on September 10, 2015, the Commission discussed the potential for shadow impacts from taller structures on the CKC and Totem Lake Park that were identified in the Environmental Impact Statement. The Commission continued the hearing again to September 24th, to allow time for staff to provide specific information about potential shading impacts.

On September 24, 2015, the Planning Commission considered the information provided by staff that modeled shading impacts from structures of heights varying from 45' to 80' (see Exhibit 14). We concluded that the impacts were not significant enough to require additional zoning regulations. However, we would like to review design guidelines for the area that address shadow impacts as part of a future work program task.

If the recommendation is affirmed, the following amendments would be necessary:

- a. ***Zoning Map***: Revisions to the Zoning Map to create two new Totem Lake subareas to simplify administration of the regulations that apply to the portion of TL 7 located west of 128th Lane NE (see maps for TL 7A and TL 7B in Exhibit 15).
- b. ***Land Use Maps***: Revision to the Totem Lake Business District Land Use Map and citywide Land Use Map to change the land use designation for the area west of 128th Lane NE from Industrial to Commercial (see Exhibit 16)
- c. ***Zoning Code***: Revisions to the zoning regulations to (see Exhibit 17):
 - o Create new subareas in TL 7 (A and B) where the revised regulations for TL 7A would include:
 - Requirements for design review through the DRB
 - Increased building height for all uses to 80'
 - For Mixed Use:
 - Ground floor commercial minimum standards
 - Buffering standards to prevent conflicts between residential and industrial uses

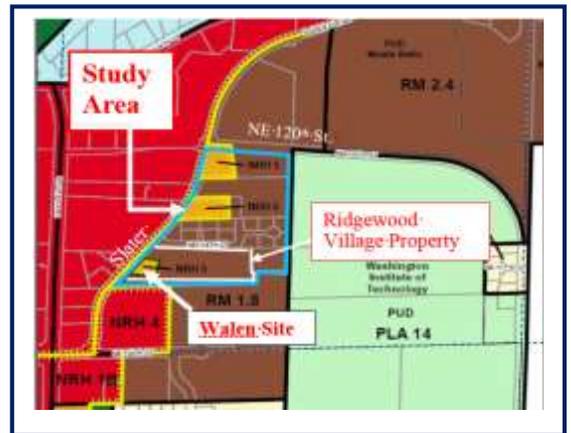
- Requirement that development provide at least 10 percent of the units as affordable housing units
 - Regulation to provide notice to developers and future residents about potential conflicts from light industrial types of uses
- d. ***Municipal Code/Design Guidelines:*** Revisions to Design Guidelines to require a review of potential height, bulk and shadow impacts where shading is indicated adjacent to Totem Lake Park. Revisions to Totem Lake Design Guidelines will be studied in 2016, following the adoption of the updated Comprehensive Plan and associated amendments.

B. North Rose Hill Citizen Amendment Request

1. Walen CAR

- a. **Request:** The request is to allow a broader range of commercial uses on the subject property. The applicant's request is not specific, but clarification received by telephone indicated that the applicant would like to be able to use the site to support a vehicle dealership located directly across Slater Avenue NE. He also indicated that the opportunity to develop mixed use (office/residential or retail/residential) would be desirable.

As part of the scoping process, the Planning Commission and City Council expanded the scope to include the parcel that surrounds the subject parcel, as well as all parcels north to NE 120th Street.



The staff report for the February 26, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#) and [here](#) (discussion of the Walen CAR begins on page 19).

- b. **Recommendation:** The Planning Commission recommends retaining the NRH 5 zoning for both parcels currently zoned NRH 5 within the study area, and adding a new use listing to allow vehicle sales and storage within the zone. We also recommend amending the boundaries of the southern parcel zoned NRH 5 (Walen), to include all land within 200' of Slater Avenue NE. This change would include a portion of the Ridgewood Village condominium property that surrounds the Walen property on the north, east and south, resulting in split zoning for the Ridgewood Village property (the portion of the site that lies more than 200' east of Slater Avenue NE would continue to be zoned RM 1.8). Additional conditions would be added to regulations to address impacts from outdoor storage, exterior lighting and outdoor speakers.
- c. **Discussion:** The Commission considered four options for this request:

- 1) No action,
- 2) Create new zone allowing limited retail- NRH 7
- 3) Change the land use and zoning for the Study Area to NRH 4 (without industrial uses)
- 4) Change land use and zoning for entire scoped area to NRH 5, with added provisions for auto sales and storage, and all commercial uses restricted to some distance from Slater

A link to the July 23rd public hearing packet providing background information and staff analysis is provided [here](#).

The Commission considered a number of issues when studying this request. The current use of the site as an office for the applicant's vehicle dealership, and the long-standing but non-conforming use of the southern portion of the Ridgewood Village condominium property for vehicle storage for the applicant's dealership contribute to the need to resolve the land use issues in the area. The remainder of the study area is developed with established multifamily residential uses, and redevelopment in commercial use is not likely.

The Commission concluded that the addition of the vehicle sales and storage use to the NRH 5 zone, along with the extension of the eastern boundary of the zone, would allow limited retail to support dealerships across Slater, while limiting all non-residential uses to a depth of 200 feet from Slater Avenue NE. Additional auto-related activities typical of a dealership, such as service and repair, would not be allowed in the zone, to retain compatibility with the residential character of the surrounding area.

The addition of this use and rezone of the westerly 200 feet of the Ridgewood Village Condominiums property would be consistent with policies in the Economic Development Element, the Totem Lake Neighborhood Plan and other provisions of the Comprehensive Plan aimed at retaining existing businesses and directing economic growth to the Totem Lake Urban Center.

The addition of the use listing for vehicle sales and storage and the rezone of a portion of the Ridgewood Village Condominiums property are consistent with established City policies established in the Comprehensive Plan, GMA and Countywide Planning Policies supporting economic growth in Urban Centers.

If the recommendation is affirmed, the following amendments would be necessary:

- a. ***Zoning Map:*** The Zoning Map would be revised to rezone the westerly 200 feet of the Ridgewood Village condominiums property to NRH 5 (see Exhibit 18), and to change the designation of this area and the NRH 5 zone to Commercial Mixed Use.
- b. ***Land Use Maps:*** The North Rose Hill Neighborhood Plan Map and the citywide Land Use Maps would be changed to reflect the change in the land use designation for the NRH 5 zone from Office to Commercial Mixed Use, and the designation for

- the westerly 200 feet of the Ridgewood Village condominium property would be changed from High Density Residential to Commercial Mixed Use (see Exhibit 19).
- c. **Comprehensive Plan:** The text of the North Rose Hill Neighborhood Plan would be revised to describe the limited commercial uses allowed in the NRH 5 zone (see Exhibit 20).
 - d. **Zoning Code:** Revisions to the zoning regulations to add the new use listing, "A retail establishment providing vehicle or boat sales or storage" in the NRH 5 zone. Special regulations would be included to prohibit service and repair activities, and to provide standards for buffering of outdoor vehicle storage areas, exterior lighting and outdoor speakers (see Exhibit 21).

II. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS

Initially, the Planning Commission considered over 30 CAR applications on July 10, 2014 and made a recommendation to City Council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memorandum.

An Environmental Impact Statement was prepared for the Comprehensive Plan Update that includes an analysis of any probable significant impacts relating to each of the CARs.

III. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN AND LEGISLATIVE REZONES

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) as described below.

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The Zoning Code (KZC 130) contains three criteria for considering legislative rezones as part of the Comprehensive Plan amendment and Zoning Code or Map. The list of criteria is provided below:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

Staff evaluation of criteria for each CAR was included in the public hearing memorandum for that CAR.

IV. PUBLIC NOTICE & OPPORTUNITIES FOR PUBLIC COMMENT

Public notice was provided for study of the Citizen Amendment Requests. The City issued a Special Comprehensive Plan Update Edition of the *City Update* newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In early November 2014, property owners and residents within the study areas and property owners within 300 feet of the study areas were notified by mail of the CAR study and directed to the City's web page for meetings dates once they were scheduled. In late November, CAR applicants were notified by email of the meeting dates that had since been scheduled. Email notice was also provided to the neighborhood associations and the Kirkland 2035 listserv. In January, email notice of the meeting date was sent to the CAR applicants, and letters containing information about the process and copies of the notice mailed in November were sent to property owners within the study areas. A *City Update* newsletter was mailed to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the public hearings and open houses, notices of the hearing date were mailed to property owners and residents within the study area and 300' feet surrounding the area. Public notice signs were installed surrounding the study area.

V. PUBLIC COMMENTS RECEIVED

A comment log summarizing all comments received to date is enclosed in Exhibit 22. The Planning Commission has reviewed all of the written comments and considered them in reviewing the Totem Lake CAR's. The written comments are available in City File CAM13-00465, #10.

Exhibits:

1. [Evergreen Health proposed Zoning Map Change](#)
2. [Evergreen Health proposed Comprehensive Land Use Map change](#)
3. [Rairdon proposed Zoning Map change](#)
4. [Rairdon proposed Comprehensive Plan Land Use Map change](#)
5. [Rairdon proposed Comprehensive Plan text changes](#)
6. [Rairdon proposed Zoning text amendments](#)
7. [Astronics proposed Comprehensive Plan text changes](#)
8. [Astronics proposed Zoning text amendments](#)
9. [Morris proposed Zoning Map change](#)
10. [Morris proposed Comprehensive Plan Land Use Map change](#)
11. [Morris proposed Comprehensive Plan text changes](#)
12. [Morris proposed Zoning text amendments \(TL 7\)](#)
13. [Morris proposed Zoning text amendments \(RM 3.6\)](#)
14. [Modeling – TL 7 Height Shadow Impact Analysis](#)
15. [Totem Commercial Center proposed Zoning Map changes \(TL 7A and TL 7B\)](#)
16. [Totem Commercial Center Comprehensive Plan Land Use Map change](#)
17. [Totem Commercial Center proposed Zoning text amendments](#)
18. [Walen proposed Zoning Map change](#)
19. [Walen proposed Comprehensive Plan Land Use Map change](#)
20. [Walen proposed Comprehensive Plan text changes](#)
21. [Walen proposed Zoning text amendments](#)
22. [Comment log summarizing written public comments](#)